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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,091	06/15/2001	Kiril A. Pandelisev	PHOENIX SCIENTIFIC	7262

7590

08/20/2003

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EXAMINER

HOFFMANN, JOHN M

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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EXAMINER

ART UNIT	PAPER
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30813

DATE MAILED:

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Commissioner for Patents

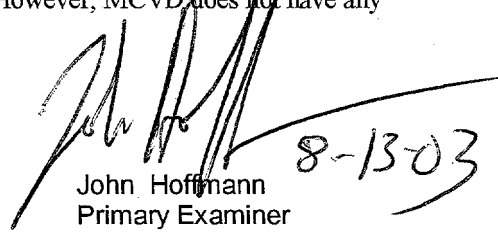
The reply filed on 7 July 2003 is not fully responsive to the prior Office Action because: it fails to set forth a list of the claims which read on the elected species. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Applicant was previously notified of a failure to provide a list the claims which read on the elected species. Although a list was provided in the latest. It is clear that the list is not a list of claims which reads on the elected species.

For some examples: claims 68-72 read on non-elected specie C2 and does not read on elected specie C3; claim 103 was identified in the original restriction/election requirement as not being a method claim; Claim 137 is clearly directed toward non-elected N2, and does not read on elected specie N1; claim 22 does not read on elected specie A1.

Furthermore, the reply is not responsive because it conflicts with the restriction of 5/30/03. The response of 5/30/03 indicated that Group II (method) was elected. However the response of 7 July 2003 elected Species E1 (MCVD). There are no method claims that read on species E1. In effect, the election of species E1 results in no claims being presented for examination. All claims 1-150 would be withdrawn. All of the method require depositing "on" the substrate. However, MCVD does not have any depositing on a substrate; deposition occurs "in" the substrate.


John Hoffmann
Primary Examiner
Art Unit: 1731

8-13-03